

REMARKS/ARGUMENTS

As set forth in the Office Action mailed April 15, 2008, claims 1, 5, 21, 23, 25, and 27-29 stand rejected by the Examiner. Applicant has thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action.

Claims 1 and 21 have been amended. Accordingly, no new matter has been added by said amendments and no estoppels are intended thereby. Support for the amendments can be found in the application as originally filed. Thus, claims 1, 5, 21, 23, 25, and 27-29 are believed to be patentable over the cited references in light of the amendments and the following comments.

Applicant thanks the Examiner for making himself available for an interview with Applicant's representative, Annette Kwok, on June 24, 2008. The Examiner and Ms. Kwok discussed the rejections cited in the Office Action and the Thogersen reference. Furthermore, the Examiner and Ms. Kwok discussed independent claim 1 and the figures of the patent application. No agreement was reached during the interview.

CLAIM REJECTIONS – 35 U.S.C. §112

The Examiner rejected claims 1, 5, 21, 23, 25 and 27-29 under 35 U.S.C. §112, second paragraph. Applicant respectfully traverses this rejection. Without conceding the propriety of the rejection, Applicant has amended claims 1 and 21 by removing the phrase "a conveyor belt." Therefore, Applicant respectfully request the withdrawal of this rejection.

CLAIM REJECTIONS – 35 U.S.C. §103

Claims 1, 5, 21, 23, 25 and 27-29 stand rejected under under 35 U.S.C. §103(a) as being unpatentable over WO 01/51356A to Thogersen (“Thogersen”) in view of DE 42 38 095 A1 (“DE ’095”). Applicant respectfully traverses the rejection.

In order for §103 rejection to be proper, each element of the claim invention must be taught or suggested in the combination of the references. Furthermore, the U.S. Supreme Court opined in *KSR Int’l Co. v. Teleflex Inc.*, that “a patent composed of several elements is not proved obvious merely by demonstrating that each element was, independently, known in the prior art.” It was also opined in *KSR Int’l Co. v. Teleflex Inc.* that “it can be important to identify a reason that would have prompted a person of ordinary skill in the art to combine the elements as the new invention does.” In the present instance, Applicant respectfully submits that the cited references do not teach or suggest each element of the claim invention. Furthermore, a person of ordinary skill in the art would not have a reason to combine the elements disclosed in Thogersen with those disclosed by DE ’095, and that there was no reasonable expectation of success in combining Thogersen and DE ’095.

Claim 1 recites, in part, a system for loading and unloading loose cargo in a cargo hold, of a plane, comprising, “transport means provided in the cargo hold covering an area of a floor of the cargo hold for intermittently conveying the loose cargo in a conveying direction towards an inner end of the cargo hold . . . and separate external conveyor organ provided on a tarmac connecting to the cargo hold opening on the outside of the plane for transporting the loose cargo between the level of the tarmac and the cargo hold opening, wherein between a plane-side end of said external conveyor organ and the front end of said transport means in the cargo hold at least one separate intermediate conveyor means is arranged, the intermediate conveyor means

bridging the separate conveyor organ and the transport means provided in the cargo hold, whereby during loading, the loose cargo may initially be conveyed deeper into the fuselage in a *direction transversal to the longitudinal axis of the plane, and subsequently be conveyed in the longitudinal direction of the plane and deposited on the front end of said transport means in the cargo hold*, . . . wherein said intermediate conveyor means comprises at least one first conveyor organ adapted to be modifiable in length in the conveying direction, for receiving the loose cargo in the range of the cargo hold opening from the plane-side end of said external conveyor organ and conveying it on transversely to the longitudinal axis of the plane during loading and unloading, wherein the plane side end of the external conveyor organ inside the fuselage is followed by a second conveyor organ, . . . wherein said second conveyor organ of said intermediate conveyor means is mounted slidably relative to said first conveyor organ thereof, transversely to the longitudinal axis of the plane, and wherein said second conveyor organ is adapted to be *modifiable in length in the longitudinal direction of the plane*.”

As acknowledged by the Examiner, Thogersen does not disclose “a transport means covering an area of the floor of the cargo hold.” Thogersen discloses an apparatus for loading and unloading aircrafts, wherein “a second conveyor part is pushed and moved into the cargo compartment.” (Thogersen, col. 7, lines 49-50; Figures 10 and 11.) As illustrated in Figures 16 and 17 of Thogersen, the second conveyor part extends into the cargo compartment and a worker sits at the end of the second conveyor part to unload and reload the cargo. The fact that the second conveyor part is extended into the cargo compartment makes it unreasonable for a person skilled in the art to combine Thogersen and the transport means of DE '095. Because utilizing the conveyor disclosed in Thogersen would render the transport means unnecessary and

impractical. Thus, one of ordinary skill in the art would not be motivated to combine the two disclosed apparatuses.

Moreover, the present claimed invention recites a system, where “a separate external conveyor organ provided on a tarmac [is] connect[ed] to the cargo hold opening on the outside of the plane,” as stated in claim 1. Furthermore, the claims recite a “[separate] intermediate conveyor means bridging the separate conveyor organ and the transport means . . . comprises at least one first conveyor organ adapted to be modifiable in length . . . and conveying [the loose cargo] on transversely to the longitudinal axis of the plane during loading and unloading,” as stated in claim 1. Also, the “second conveyor organ is adapted to be modifiable in length in the longitudinal direction of the plane.” It is respectfully submitted that neither Thogersen nor DE ’095 teaches, suggests, or discloses these elements.

To the contrary, as stated above, the second conveyor part of Thogersen extends well into the cargo compartment. (Thogersen, Col. 7, lines 49-50.) Thus, moving the cargos in a longitudinal direction of the airplane. Here, the separate external conveyor organ is connected to the outside of the plan and the separate intermediate conveyor means conveys cargo “transversely to the longitudinal axis of the plane.” Furthermore, the system of Thogersen is equipped with a front conveyor unit (31) having a conveyor flap (39). But Thogersen does not disclose a “conveyor organ [at the end of the external conveyor organ that] is adapted to be modifiable in length in the longitudinal direction of the plane.” Moreover, Thogersen does not disclose three separate conveyor system elements as claimed, namely, the separate external conveyor organ, the separate intermediate conveyor means, and the separate second conveyor organ. But to the contrary, Thogersen discloses a single, serpentine conveyor system. Accordingly, the asserted combination of references fail to teach each and every elements recited

in independent claim 1, and therefore does not establish a prima facie case of obviousness. Independent claim 21 contains substantially the same elements as independent claim 1 and is also allowable for at least the same reason.

Since each and every element, as set forth in the claims, is not found either expressly or inherently in Thogersen or DE '095 as required by the MPEP, a prima facie case for obviousness has not been set forth with respect to independent claims 1 and 21. Hence, withdrawal of the rejection is respectfully requested.

Claims 5 depends from independent claim 1 and claims 23, 25, and 27-29 depend from independent claim 21, and are allowable for at least the foregoing reasons. Applicant accordingly earnestly solicit withdrawal of the rejection of claims 1, 5, 21, 23, 25, and 27-29.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests that all the objections and rejections to the claims be removed and that the claims pass to allowance. If, for any reason, the Examiner disagrees, please call Applicant's undersigned representative at 202-861-1683 in an effort to resolve any matter still outstanding before issuing another action. Applicant's undersigned representative is confident that any issue which might remain can readily be worked out by telephone.

In the event this paper is not timely filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to our Docket No. 77191.21900.

Respectfully submitted,
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